

CHAPTER 3.40. - ALARM SYSTEMS

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Sec. 3.40.010. - Purpose.

The City Council has determined that the high number of false alarm responses being required of law enforcement, fire and emergency medical personnel in response to alarm system activations in the City requires adoption of the following regulations to reduce the number of such false alarms.

(Ord. No. 41-440 § 1)

Sec. 3.40.020. - Definitions.

As used in this Chapter, the following words shall have the following meanings:

- (a) *'Alarm Administrator'* means the person designated by the Chief of Police to administer the provisions of this Chapter, and monitor, control and review alarm response procedures and alarm business activities.

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(b) *'Alarm Business'* means any individual, partnership, corporation or other entity which has as one of its principal business purposes the altering, installing, leasing, selling, maintaining, repairing or servicing an alarm system or fire alarm system or which causes any of these activities to take place. Such term shall also include alarm servicing companies who engage in the activity of monitoring alarm systems.

(c) *'Alarm Servicing Company'* means the person who shall be responsible for determining that an alarm system has been activated and notifying the communications center of the alarm activation and the need of an emergency response by law enforcement, fire or emergency medical personnel.

(d) *'Alarm System'* means an assembly of equipment, devices or a single device arranged to signal the presence of a hazard requiring urgent attention and to which law enforcement, fire or emergency medical personnel are expected to respond. The following devices shall not constitute an alarm system:

1. Smoke alarms;
2. Other alarms designated to merely give internal on-premises notification of an alarm condition;
3. Alarm devices affixed to motor vehicles;
4. Hand-held personal safety devices not connected to a central monitoring system or station;
5. Security alarm systems which are not monitored by an alarm servicing company.

(e) *'Automatic Dialing Device'* means an alarm system which automatically sends over regular telephone lines, by direct dialing or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation the alarm system is designed to detect.

(f) *'Board'* means the Board of Electrical Appeals.

(g) *'Certified alarm installer'* means an individual who holds a certificate issued by the City of Wichita, evidencing such person to be qualified to install, service, maintain, repair and replace residential and commercial alarm systems.

(h) *'Chief of Police'* means the Chief of Police of the City or a designated representative.

(i) *'City'* means the City of Wichita, Kansas.

(j) *'City Manager'* means the City Manager of the City or a designated representative.

(k) *'City Treasurer'* means the City Treasurer of the City or a designated representative.

(l) *'Communications center'* means the Sedgwick County Department of Emergency Communications.

(m) *'Direct connect'* means an alarm system which has the capability of transmission and reception of alarm system signals directly to the communications center.

(n) *'Director of Emergency Communications'* means the Director of the Sedgwick County

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Department of Emergency Communications or a designated representative.

(o) *'Emergency medical personnel'* means employees of the Sedgwick County Emergency Medical Service.

(p) *'False alarm'* means: 1) the activation of an alarm system in the City resulting in an urgent response by law enforcement, fire or emergency medical personnel when a situation requiring an urgent response does not, in fact, exist at the time of activation of the alarm; or 2) an alarm system designed to be used to report a robbery or holdup, when used for any other purpose.

A false alarm may be the result of, but not limited to, mechanical or electronic failure, malfunction, improper installation, improper adjustment, accidental tripping, misoperation, misuse, defect or negligence of a person.

An alarm signal caused by violent conditions of nature or other circumstances not reasonably subject to control by the alarm user or alarm business shall not be deemed a false alarm for the purposes of this Chapter.

(q) *'Fire alarm'* means an alarm to which fire personnel have been requested to be dispatched to respond.

(r) *'Fire alarm system'* means an alarm system designed to signal the presence of a hazard requiring urgent attention and to which fire personnel are expected to respond.

(s) *'Fire personnel'* means employees of the Wichita Fire Department.

(t) *'Governmental building alarm system'* means any alarm system installed in any location owned or used by the United States government, the state and its political subdivisions, the City of Wichita or any agencies thereof.

(u) *'Law enforcement personnel'* means any person vested by law with a duty to maintain public order or to make arrests for violations of the laws of the state or ordinances of the City and includes regular and reserve personnel of the Wichita Police Department.

(v) *'Medical alarm system'* means an alarm system designed to signal the presence of a hazard requiring urgent attention and to which emergency medical personnel are expected to respond.

(w) *'Multiple alarm system'* means any of the following:

a. Separate structures each having their own alarm system which are located at the same street address and are owned by the same person or business; or

b. A single structure which has more than one alarm business monitoring alarms within the structure.

(x) *'Person'* means any person, firm, partnership, association, corporation, company or organization of any kind.

(y) *'Security alarm'* means an alarm to which law enforcement personnel have been requested to be dispatched to respond.

(z) *'Security alarm system'* means an alarm system designed to signal the presence of a hazard

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requiring urgent attention and to which law enforcement personnel are expected to respond.

(aa) *'Alarm User'* means any person who has a functioning alarm system on premises under the person's control.

(bb) *'Fire Chief'* means the Chief of the Wichita Fire Department or a designated representative.

(cc) *'Alarm site'* means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

(dd) *'ANSI/SIA Control Panel Standard CP-1'* means the ANSI - American National Standard Institute approved security industry association - SIA CP-1 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard or any subsequent standard established by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-1 Control Panel Standard Features for False Alarm Reduction."

(Ord. No. 46-257 § 1; Ord. No. 48-753, § 1, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.030. - License required.

(a) It is unlawful for any person to engage in the operation of an alarm business within the City without having first obtained a license to operate such a business from the City Treasurer.

(b) Any person who violates the provisions of this Section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or imprisonment of a term not to exceed six months or by both such fine and imprisonment.

(Ord. No. 46-257 § 2; Ord. No. 48-753, § 2, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.035. - Certifications—Persons engaged in installation or repair of alarm systems.

(a) It is unlawful for any person to engage in the altering, installing, maintaining, repairing or servicing of an alarm system within the City limits, or causing the same to take place without having been certified for the particular classification of system involved.

(b) Any person desiring to engage in or work in the business of installing, repairing or altering alarm systems shall make application to the Office of Central Inspection for a certificate.

(c) A security alarm certificate issued to an individual wishing to engage in the business of or perform the act of installing, repairing or replacing security alarm systems shall authorize such individual to engage in such activities.

(d) No certificate shall be issued to any individual to install security systems who is not certified by the Kansas Electronic Security Alliance, Electronic Security Association, or other national testing agency with a test designed specifically for alarms.

(e) A fire alarm certificate issued to an individual wishing to engage in the business of or perform the act of installing, repairing or replacing fire alarm shall authorize such individual to engage in such

activities.

(f) No certificate shall be issued to any individual to install, repair or replace fire alarm systems who is not certified by the National Institute for Certification in Engineering Technologies (NICET II, III or IV) or the International Municipal Signal Association (IMSA I or II).

(g) The fee for certificates shall be established by the Superintendent of the Office of Central Inspection to cover the administrative costs of issuing such certificates. All such certificates shall be renewed biennially upon payment of a fee established by the Superintendent of the Office of Central Inspection to cover the administrative costs of issuing such certificates. All certificates expire on the thirty-first day of December of each odd-numbered year and no reduction shall be made for part of the year being elapsed. Certificates which have not been renewed by March 1st after their expiration, may be subject to appearance before the Board prior to reissuance of a certificate.

(h) The Board of Electrical Appeals is authorized to cancel, suspend and/or revoke the certificate of any alarm installer issued by the Office of Central Inspection.

(Ord. No. 46-257 § 3; Ord. No. 48-753, § 3, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.038. - Apprentice and/or helper.

An apprentice or helper shall be permitted to perform the act of installing, repairing or replacing any alarm system within the City when he or she is on the job site with and under the direct supervision of an alarm technician certified by Section 3.40.035. Both individuals must be employed by a licensed alarm contractor. If an apprentice or helper works without the required supervision, both the alarm contractor and the apprentice/helper shall be guilty of this offense.

(Ord. No. 48-753, § 4, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.040. - License application—Form and content.

Any person wanting to obtain a license to operate an alarm business in the City shall make application on a form provided therefore to the City Treasurer. Said application shall be verified, accompanied by the required application fee and contain at a minimum the following information:

- (1) Date of application;
- (2) Name, address and telephone number of the business and type of business organization (individual, partnership or corporation). If an individual, the name, date of birth, race, sex, address and telephone number; if a partnership, the names, dates of birth, race, sex, addresses and telephone numbers of all partners; if a corporation, the names, dates of birth, race, sex, addresses and telephone numbers of the officers and the state of incorporation;
- (3) Name, address and telephone number of the person certified, as required by Section 3.40.035, who is responsible for repair and maintenance of the alarm systems;
- (4) A list of all felony convictions of any person required to be named on the application;
- (5) A statement that service for the alarm systems leased or installed by the alarm business will be offered on a 24-hour, seven-day-a-week basis;
- (6) A statement that the applicant and all agents, representatives and employees of the applicant

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will, at all times, comply with all the laws of the United States and state, ordinances of the City and resolutions of Sedgwick County in the operation of the alarm business;

(7) A copy of such person's certification as required by Section 3.40.035 if such person is also engaged in the business of or engages in the altering, installing, maintaining, repairing or servicing alarm systems. For purposes of this subsection, a license may be issued to any firm, co-partnership or corporation of which at least one active member or officer who devotes full-time to the firm, co-partnership or corporation has received such certification;

(8) A statement certifying that the alarm business has provided to the Alarm Administrator or his or her designee a complete and current customer list in a format acceptable to the Alarm Administrator or a designated representative;

(9) Proof of general liability insurance coverage. Such insurance policy shall be written with an insurance company licensed to do business in the state and shall have minimum limits of coverage of \$300,000.00 per occurrence.

(Ord. No. 46-257 § 4; Ord. No. 48-753, § 6, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.048. - Installation Requirements.

(a) All alarm systems or any of its component parts shall be installed in accordance with Title 19 of this Code.

(b) Fire alarm systems shall be installed in accordance with the provisions of Titles 15, 18 and 19 of this Code.

(c) Upon enactment of this ordinance, alarm installation companies shall use only ANSI/SIA CP-01 listed alarm control panels on new installations, panel replacements or upgrades of security alarm systems.

(d) It is unlawful for any person to install or replace a fire alarm system unless a permit has been issued for such work. Permits and inspection shall be obtained as required by Chapter 19 of the Code of the City of Wichita.

Permit Fee Schedule

0—10 Devices	\$50.00
11—25 Devices	\$90.00
26—100 Devices	\$140.00
101—200 Devices	\$200.00
201—400 Devices	\$350.00
401—600 Devices	\$525.00
Over 600 Devices	\$525.00 plus \$50.00 for each additional 100 devices or fraction thereof

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(1) Any person who installs any alarm devices for which a permit and inspection are required without first obtaining a permit shall pay a special permit fee of double the amount of the permit issuance as listed above.

(2) Where extra inspections are made because of faulty construction or failure to make necessary repairs, a fee established by the Superintendent of Central Inspection to cover the administrative costs may be charged for each inspection.

(3) Reserved.

(4) Every permit issued by Central Inspection under the provisions of this Code shall expire by limitation and become null and void if the work authorized by the permit is not commenced within 180 from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced, for a period of 180, or 180 has expired since an inspection, as required by Chapter 19 of the Code of the City of Wichita was requested and such inspection was approved by the building authority.

(Ord. No. 48-753, § 5, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.050. - License fee.

(a) Each application for an alarm business license, whether new application, renewal, or as a result of revocation shall be accompanied by an annual fee of \$100.00. Such fee shall not be refundable.

(b) Each applicant providing monitoring services shall, in addition to the payment of the above fees, submit payment of all outstanding administrative penalties which may be due under the terms of this Chapter at the same time as the license application as a requirement of completing the application process.

(Ord. No. 44-221 § 2; Ord. No. 48-753, § 7, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.060. - Investigation of application—Issuance of license—Posting license—License nontransferable—Term—Renewal.

(a) Upon receipt of an application for an alarm business license and payment of the required fees, the City Treasurer shall refer the application to the Chief of Police, Fire Chief and Superintendent of Central Inspection for investigation and recommendation regarding issuance of the license. Approval shall be recommended so long as the application is satisfactorily completed and no owner, manager, partner, director or officer of the business has ever been convicted of a felony.

(b) No application shall be approved if the applicant, in the last two years, has violated the terms and conditions of this Chapter.

(c) No license shall be issued if the alarm business owes licensing fees or administrative penalties to the City of Wichita.

(d) Upon favorable recommendation of the Chief of Police, Fire Chief and Office of Central Inspection, the City Treasurer shall issue the applicant an alarm business license. The issued license shall be displayed and available for inspection on the business premises of the licensee.

(e) No license issued under this Chapter shall be transferable, and any such licenses shall be issued for a period of one year from date of issuance. Renewal of such license shall be accomplished in the

same manner as issuance of the initial license.

(f) No license shall be issued unless the alarm business has provided to the Alarm Administrator, at the time of the license application, a complete and current customer list in a format acceptable to the Alarm Administrator or a designated representative.

(g) No license shall be issued if proof of liability insurance as required by Section 3.40.040 is not submitted with the application.

(h) For the purposes of this Section, the filing of charges or a conviction in a court of law is not required to establish that a licensee or applicant has violated the terms and conditions of this Chapter. A certified copy of conviction from any local or state court for such violation is prima facie evidence of a violation. A conviction shall include being placed on diversion or being adjudged guilty upon entering a plea of no contest.

(Ord. No. 46-257 § 5; Ord. No. 48-753, § 8, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.061. - Revocation of license—Notice of hearing.

Any license issued under this Chapter may be suspended for a period not to exceed 30 days or be revoked by the Chief of Police or Superintendent of Central Inspection after five days' written notice, if the licensee (1) has failed to pay the annual license fee, (2) violated any provision of this Chapter, (3) becomes ineligible for a license because of any of the provisions of this Chapter, or (4) said licensee has given a false statement as to a material fact submitted to the City Treasurer during the application process.

(Ord. No. 48-753, § 9, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.063. - Appeal procedure.

(a) Any applicant or licensee aggrieved by the denial, suspension, or revocation of an alarm license may file with the City Clerk a written Notice of Appeal to the City Council within ten business days of the decision by the Chief of Police or his/her designee. The Notice of Appeal shall specify:

- (1) The name and address of the appellant;
- (2) The date of application;
- (3) The date of the denial, suspension, or revocation of the license or application;
- (4) The factual basis for the appeal.

(b) Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Council, no later than 30 days from the date of the filing of the Notice of Appeal with the City Clerk. Any appeal shall stay the suspension, modification or revocation of the license until the matter is heard by the City Council.

(c) The City Council may approve the denial, suspension, or revocation, overrule the denial, suspension, or modify the decision of the Chief of Police. The decision of the City Council shall be effective immediately.

(d) The Council's decision may be appealed to the Eighteenth Judicial District Court of the State of

Kansas pursuant to K.S.A. 60-2101 and any amendments thereto. Any such appeal to the District Court shall not stay the denial, revocation, or suspension of the license by the City Council.

(Ord. No. 48-753, § 10, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.065. - Duties and authority of the Alarm Administrator.

The Alarm Administrator shall:

(a) Establish a procedure for the notification to an Alarm User of a false alarm. The notice shall include the following information:

1. the date and time of law enforcement response to the false alarm; and
2. A statement urging the Alarm User to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting fines.

(b) The Alarm Administrator may require a conference with an Alarm User and the alarm installation company and/or servicing company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm. For these purposes, the alarm company must have a designated contact on record with the Alarm Administrator.

(c) The Alarm Administrator may create and implement an on-line Alarm User Awareness Class. The Alarm Administrator may request the assistance of alarm associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach Alarm Users how to avoid generating false alarms. Providing that the Alarm User does not have outstanding fees owed to the City of Wichita, a passing test score on the on-line test may be used to satisfy fees incurred for one false alarm per registration year. The class must be completed by the Alarm User within 30 days of receiving notification or assessment of a false alarm fee.

(d) The Alarm Administrator shall maintain statistics and records which may be utilized to determine the effectiveness of this Code in reducing false alarms. Such records shall include the number of registered alarm systems, the increase or decrease of registered alarm systems from the previous year, the number of false alarms each year, the decrease or increase in the number of false alarms and the total of all false alarm fees assessed and the amount of false alarm fees collected each year.

(Ord. No. 48-753, § 11, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.070. - Required operational practices.

Each alarm business licensed under this Chapter will conduct its operations in compliance with the following standards and practices:

(a) When an alarm business leases or installs an alarm system, it shall offer service either directly or through an agent for that alarm system on a 24-hour, seven-day-a-week basis for the purposes of repairing or servicing the system to correct any malfunctions which may occur. This information shall be provided in writing at the time of the lease or installation. The alarm business shall have a person certified, pursuant to Section 3.40.035, who is responsible for repair and maintenance of the alarm system.

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(b) When an alarm business leases or installs an alarm system, the Alarm User shall be provided written instructions on how to operate the system and any user maintenance which may be required. These instructions shall be clear, concise and in language the Alarm User can read and understand.

(c) When an alarm business leases or installs an alarm system for which the Alarm User elects to have law enforcement personnel respond, it shall be the responsibility of the alarm business to:

(1) Provide the Alarm User, at the time of lease or installation of the alarm system, a written copy of the City of Wichita's false alarm penalties and procedures.

(2) Register each alarm system monitored by the business, prior to commencement of monitoring, with the Alarm Administrator or a designated representative.

(3) Registration shall be made by use of a form provided by the Alarm Administrator. A \$25.00 fee shall be assessed for each registration form.

(d) The registration must be complete and shall include the following information:

(1) The name, complete address and telephone number of the individual or the Alarm User's designated representative who will be responsible for the proper maintenance and operation of the alarm system;

(2) The classification of the Alarm Site as either residential, commercial or government system;

(3) The date of installation and the name and certificate number issued by the Office of Central Inspection of the individual installing or replacing the system;

(4) For existing alarm systems, the date of conversion or takeover of the alarm system, whichever is applicable and the name and certificate number issued by the Office of Central Inspection for the individual or company performing the alarm takeover or conversion;

(5) Mailing address, if different from the address of the Alarm Site;

(e) The registration shall be kept current by notifying the Alarm Administrator or a designated representative of the termination of monitoring, discontinuation of use or changes in ownership of property. If an Alarm User changes service companies, the new provider shall re-register the user with the Alarm Administrator or a designated representative. Such registration shall be effective for a period of 12 months from the date of issuance. The Alarm Administrator or a designated representative shall have the right to audit the information provided to verify its accuracy;

(f) An alarm service company, at the time of security alarm, shall attempt to contact the Alarm User by telephone or other electronic means to verify that the alarm is valid;

(g) An alarm service company, when contacting the communication center regarding an alarm, shall provide the Alarm User's name, address and permit number.

At the time of licensing or renewal of a license issued pursuant to this Chapter, the alarm business shall submit to the Alarm Administrator, or a designated representative, a current and complete customer list in a format acceptable to the Alarm Administrator. Such information shall remain confidential, shall not be released to the public and shall be used to assist in creating tracking and

response data by the Alarm Administrator.

(Ord. No. 46-257 § 6; Ord. No. 48-753, § 12, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.080. - Revocation of license.

(a) The Alarm Administrator may revoke an alarm business license issued hereunder if, after investigation, the Alarm Administrator determines that the licensee, or if the licensee is an organization, any of its officers, directors, partners, associates or employees has:

- (1) Made any false statement or given any false information in connection with an application for a license or a renewal or a reinstatement thereof;
- (2) Violated any provision hereof;
- (3) Committed any act which would be grounds for denial of an application for a license; or
- (4) Failed to pay more than \$1,000.00 in administrative penalties, as required under the terms of this Chapter.

(b) If the Alarm Administrator revokes an alarm business license under the provisions of this Section, the following procedure will apply:

(1) The Alarm Administrator shall send to the licensee by certified mail, return receipt requested, written notice of the revocation which shall include:

- (A) Reason for revocation;
- (B) Effective time and date of revocation;
- (C) A statement regarding any action which may be taken so the license may be reinstated;
- (D) The date by which the licensee must surrender the license to the City Treasurer; and
- (E) A statement of the right to reconsideration of, and appeal from, the revocation and the procedure to be followed.

(2) The licensee may request reconsideration of the revocation by the Alarm Administrator by filing with the Chief of Police a written request for a hearing within ten days after receipt of the notice of revocation. The filing of the request for hearing shall stay the action of the Alarm Administrator in revoking the license until the Chief of Police makes a final decision.

(3) If a request for hearing is not made within the ten days, the action of the Alarm Administrator shall be final.

(4) The Chief of Police shall serve as Hearing Officer on a reconsideration of a notice of revocation under this Section and shall consider evidence presented by any interested person. The Chief of Police shall make a decision on the basis of a preponderance of the credible evidence presented at the hearing, which shall be recorded.

(5) The Chief of Police shall render a decision within ten days of the hearing and that decision shall affirm, reverse or modify the action of the Alarm Administrator. The Chief of Police shall send to the licensee by certified mail, return receipt requested, written notice of the decision with a copy

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to the Alarm Administrator. This written notice shall include:

- (A) If the action of the Alarm Administrator is affirmed—the reason for such and date by which the licensee must surrender the license to the City Treasurer;
- (B) If the action of the Alarm Administrator is reversed—the reason for the reversal;
- (C) If the action of the Alarm Administrator is modified—the reason for the modification decision and the extent of the modification;
- (D) The right of the licensee to appeal the decision of the hearing officer to the governing body of the City.

(6) In the event a licensee desires to appeal the decision of the Chief of Police to the governing body of the City, notice of such appeal shall be filed with the City Clerk within ten days of the issuance of the Chief of Police's opinion. Upon receipt of such notice, the City Clerk shall notify the Chief of Police who shall prepare the record of the hearing to include the transcript and exhibits and forward said record to the City Clerk within ten days. The governing body of the City shall review the record so presented and either affirm or reverse the action of the Chief of Police. All such appeals to the governing body shall be on the record.

(c) If a license is revoked under this Section, the licensee may be issued a new license if the reason for revocation is removed, the Alarm Administrator is notified in writing of such removal, and the former licensee follows the procedure set forth herein for applying for an original license.

(Ord. No. 44-221 § 4)

Sec. 3.40.088. - Confidentiality of information.

All information submitted in compliance with this Chapter shall be held in strictest confidence; shall be deemed a public record exempt from disclosure; and shall be kept so the contents thereof shall not be known except to persons responsible for administration and enforcement of this Chapter. Nothing herein, however, shall prevent the use of such information for law enforcement purposes.

(Ord. No. 41-440 § 16)

Sec. 3.40.090. - False alarm fee.

(a) Except as otherwise provided in this Chapter, an Alarm User to which law enforcement personnel or fire personnel are requested to respond to a false alarm, shall be charged a false alarm fee. The Alarm User shall be assessed the following fees for each false alarm:

Number Of Alarms	False Alarm Fee—Security Alarms	False Alarm Fee—Fire Alarm
1	\$0	\$0.00
2	\$40.00	\$100.00
3	\$40.00	\$100.00
4	\$60.00	\$150.00
5	\$60.00	\$150.00
6	\$120.00	\$300.00

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7—9	\$200.00	\$500.00
10 th or more	\$350.00	\$750.00

Graduated false alarm fees will be based only on the same type of previous false alarm.

No response fee shall be charged:

(1) For the first false alarm, regardless of type, each registration year, provided that the Alarm User, at the time of the false alarm, does not owe outstanding response or administrative fees;

(2) When it is reasonable to assume that the alarm was due to violent conditions of nature including an electrical storm which have been verified by the National Weather Service to have been in the area where the alarm system is located at the time of the activation;

(3) Cable, line or power failure which has been specifically verified by the appropriate utility company serving the alarm location;

(4) For those alarms where the communications center is notified within four minutes of receipt of notification of the alarm that emergency medical, law enforcement or fire personnel are not required;

(5) For those alarms resulting from valid situations requiring an urgent response by law enforcement, fire or emergency medical personnel as verified by a report filed by such personnel;
or

(6) For those alarms received by a medical alarm system;

(7) For alarms from governmental building alarm systems.

(b) If an alarm is received by the communications center from an alarm system which has not been registered with the City, as required in Section 3.40.070, an administrative penalty of \$150.00 shall be assessed against the alarm business for having failed to register the system. Such penalty shall be in addition to the false alarm charges assessed to the alarm user. Both the Alarm User and alarm business shall be notified in writing that the alarm business is not in compliance with the City's ordinances.

(c) If an alarm is received by the communications center from an alarm system which registration has expired, an administrative penalty of \$150.00 shall be assessed against the Alarm User for having failed to renew the registration of the system as required by Section 3.40.115. Such penalty shall be in addition to the false alarm charges assessed to the Alarm User.

(d) Should a disagreement arise over whether any particular false alarm fee or administrative penalty should be assessed, the facts surrounding the circumstances of the alarm activation shall, within 30 days of the date of the first invoice for the alarm, be presented in writing by the Alarm User or alarm business along with a \$10.00 administrative fee to the Alarm Administrator. The Alarm Administrator shall promptly forward the written fee dispute to the Chief of Police or for fire alarms, the Chief of the Wichita Fire Department. The Chief of Police or the Fire Chief shall, after consideration of all the information presented, determine whether a false alarm fee should be assessed. In the event of determination that no false alarm fee should be assessed, the \$10.00 administrative fee shall be

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refunded to the Alarm User or alarm business.

(e) If disagreement still exists after consideration by the Chief of Police or the Fire Chief, the facts surrounding the alarm activation shall be presented to the City Manager who shall, after consideration of all the information presented, determine whether a false alarm fee should be assessed. All such disagreements must be presented in writing by the Alarm User or alarm business to the City Manager within 30 days after the date of notification of the Chief of Police's or Fire Chief's determination that a false alarm fee is due as a result of the particular alarm being questioned; otherwise the determination that the fee is due shall be deemed correct.

(f) In making the determinations required by subsections (d) and (e) of this Section, the Chief of Police, Fire Chief or the City Manager shall give consideration to the following, if presented, in addition to all other information presented:

- (1) The purpose of this Chapter as expressed in Section 3.40.010 of this Code;
- (2) The Alarm User's history of valid and false alarms;
- (3) Violent conditions of nature, including electrical storms, existing at the time of the activation;
- (4) Other circumstances not reasonably subject to control by the Alarm User or alarm business;
- (5) Information from utility companies concerning cable, line or power failures or problems;
- (6) Information from law enforcement, fire or emergency medical personnel who responded to the alarm activation; and
- (7) The presence or absence of any direct or indirect evidence that a situation requiring an urgent response existed at the time of the alarm activation.

(g) The false alarm fee or administrative penalty under this Section shall be due and payable to the Alarm Administrator or a designated representative within 30 days after receipt of notification that such fee is due. Further, if the fee is not paid within 60 days of such notification, a late fee in the amount of \$10.00 per alarm call shall be added to the amount due. An additional late fee of \$10.00 will be assessed on each false alarm fee which remains unpaid 90 days following notification. After 90 days, following notice to the Alarm User, the account may be turned over for collection. The City Attorney is authorized to use any legal means to recover the administrative penalties and fees assessed by this Chapter.

The Alarm User and any alarm servicing company will be notified by certified mail that the communication center will not respond to further alarms from the system unless the delinquent fee and late charges are paid.

(Ord. No. 46-257 § 7; Ord. No. 48-753, § 13, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.100. - Direct connection prohibited—Exceptions—Annual fee—Response fee.

All direct connections, direct-dials, or automatic-dialing devices of alarm systems to the communications center shall be prohibited except governmental building alarm systems.

(Ord. No. 46-257 § 8; Ord. No. 48-753, § 14, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.105. - Reserved.

Editor's note— Ord. No. 48-753, § 20, adopted June 15, 2010, effective August 1, 2010, repealed § 3.40.105 in its entirety. Formerly said section pertained to duress or holdup alarms and derived from Ord. No. 46-257, § 9.

Sec. 3.40.110. - Automatic dialing device—Direct dialing prohibited—Penalty.

It is unlawful for any person to use an automatic dialing device to dial directly into the communications center whether by dialing 911 or otherwise. Every person who is convicted of violating this Section shall be guilty of a misdemeanor.

(Ord. No. 41-440 § 20)

Sec. 3.40.115. - Annual registration renewal by alarm user.

- (a) Following the initial 12-month period of the alarm registration by the alarm company, it shall be the responsibility of the alarm user to annually register the alarm with the alarm administrator.
- (b) The alarm administrator shall notify the alarm user of the necessity to renew the alarm registration.
- (c) Alarm registrations shall expire one year after the date of issuance.
- (d) A \$25.00 fee shall be assessed for each registration. No fee, however, shall be required for registration of medical alarm systems. No fee shall be assessed for registration renewals occurring after September 1, 2011, if the alarm user has not had a false alarm, as defined by this chapter, within the 12 months preceding the registration renewal date, and the alarm user does not owe any outstanding response or administrative fees.
- (e) On the renewal form provided by the alarm administrator, the alarm user shall verify that all contact and monitoring information on file with the alarm administrator is correct. The alarm user shall update all contact and monitoring information as is necessary.
- (f) It is unlawful for any alarm user or the owner of any premises with an alarm system to operate or use an alarm system or allow operation or use of an alarm without the alarm being registered. Pursuant to section 3.40.090(c), an administrative penalty of \$150.00 shall be assessed against the alarm user for failure to renew the registration of the system after being notified by the alarm administrator of the need to re-register the alarm.

(Ord. No. 48-753, § 15, 6-15-2010, eff. 8-1-2010; Ord. No. 48-921, § 1, 12-28-2010)

Sec. 3.40.118. - Duties of Alarm Users.

It shall be the responsibility of the Alarm User to:

- (a) Annually register their alarm system with the Alarm Administrator;
- (b) Maintain the premises and alarm system in a manner that will reduce or eliminate false alarms;
- (c) Respond or cause a representative to respond to the alarm system's location within 30 minutes upon notification of the need to deactivate a malfunctioning alarm system, to provide the right of entry to the premises or to provide alternative security for the premises;

(d) Ensure that an alarm is not manually activated by the Alarm User or any other person for any reason other than an occurrence of an event that the alarm system was intended to report;

(e) Notify the Alarm Administrator if there is a change of address or ownership of a business or residence or if there is updated information.

(Ord. No. 48-753, § 16, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.120. - Rules and regulations.

For the purpose of clarity and uniformity in the reporting of alarm conditions to the communications center by central stations, the Director Of Emergency Communications shall establish such rules and regulations as are reasonably necessary.

(Ord. No. 41-440 § 21)

Sec. 3.40.130. - Wichita-Sedgwick County Alarm Regulation Advisory Board.

The existing Wichita-Sedgwick County Alarm Regulation Advisory Board is hereby dissolved.

(a) The City Council may appoint an ad hoc committee to advise the council on matters relating to alarm regulation.

(b) The membership of the ad hoc committee shall be as determined by the City Council.

(c) Upon completion of the work for which the committee was requested and submission of its report, the committee shall be dissolved.

(Ord. No. 41-440 § 22)

Sec. 3.40.135. - Penalty.

Except as otherwise provided for by this Chapter, every person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00. Each day any violation of this Chapter continues shall constitute a separate offense.

(Ord. No. 44-221 § 7; Ord. No. 48-753, § 17, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.140. - Validity.

Should any section, paragraph, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder shall not be affected thereby and shall remain in full force and effect, and the same shall not affect the validity of the remaining portions.

(Ord. No. 41-440 § 23)

Sec. 3.40.145. - Government immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the Alarm User acknowledges that the Wichita Police Department response may be influenced by factors such as: the availability of police units, priority of

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calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(Ord. No. 48-753, § 18, 6-15-2010, eff. 8-1-2010)

Sec. 3.40.150. - Enforcement.

The Wichita Police Department, Wichita Fire Department and the Office Of Central Inspection of the City of Wichita and the authorized representatives of such departments shall be responsible for the enforcement of all provisions of this Chapter.

(Ord. No. 46-257 § 10; Ord. No. 46-227 § 10)